

Hoffman Security, Ltd. and District 1199C, National Union of Hospital and Health Care Employees, AFSCME, AFL-CIO, Petitioner. Case 4-RC-17374

May 14, 1991

**DECISION ON REVIEW AND ORDER
REMANDING**

BY CHAIRMAN STEPHENS AND MEMBERS
CRACRAFT AND RAUDABAUGH

On July 6, 1990, the Regional Director for Region 4 issued a Decision and Order finding that the receptionists in the petitioned-for unit are guards within the meaning of Section 9(b)(3) of the Act. Inasmuch as the Petitioner admits nonguards to membership, the Regional Director dismissed the petition. The Petitioner filed a timely request for review of the Regional Director's decision, contending that the receptionists are not statutory guards. The Employer filed a brief in opposition. On November 20, 1990, the Board granted the Petitioner's request for review.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the entire record in this case, including the brief on review, and has decided to reverse the Regional Director's conclusion and to find that the receptionists are not guards within the meaning of Section 9(b)(3) of the Act.

The Employer, a New Jersey corporation, is engaged in the business of providing security services to various customers. The Employer employs security officers and receptionists at Graduate Hospital in Philadelphia, Pennsylvania. The record shows that the receptionists assigned to information desks at five locations greet visitors, provide information and directions, and observe and report irregularities. At most locations, these receptionists monitor access to the patient and medical service floors by distributing visitor passes and/or asking visitors to sign in. At two locations, the Pepper Pavilion Connector and the Diagnostic Services Building where guards are also present, the receptionists monitor a closed circuit TV. There are no sign-in logs or visitor passes at the Pepper Pavilion location. At the Diagnostic Services Building, the receptionist does maintain a sign-in log, and a building security alarm system that terminates at the receptionist's desk is partially installed. When finished, it will provide reception personnel with knowledge of activity in the fire towers and other doors leading out of the building both up on the roof and out into the street level. Receptionists are instructed not to leave their desks, and visitors frequently proceed directly to the elevators, sometimes unobserved, without first stopping at the reception desk. The receptionists often work at different

locations during their workweek, and it is not unusual for them to cover for a receptionist during lunch at another location on the same shift. Visitors are not required to sign out when they leave and the receptionists do not make daily reports. The receptionists do not inspect items carried by people entering or exiting the building and have not been instructed to take any action when they see items carried out of the building.

There is a 24-hour, 7-day-a-week guard service, and the receptionists are supervised separately from these security officers. The receptionists do not cover for security officers during their absence or otherwise perform their functions. Although the security officers do not fill in for receptionists while they are on break, at some locations, security officers staff the receptionist's desk where they perform the same functions as receptionists. It is mainly the security officers, not the receptionists, who access the elevator key for emergency personnel during fire drills and alarms. The receptionists, unlike the security officers, do not make rounds or use walkie-talkies.

The receptionists work from 7 a.m. to 2 p.m. or from 2 p.m. to 9 p.m., while, as noted, the security officers work three shifts, 24 hours per day. The receptionists start at a wage rate of \$5.50 per hour, while security officers start at \$6 per hour. The receptionists and the security officers wear the same uniforms, punch the same timeclock, and receive the same benefits. Neither the receptionists nor the security officers carry weapons. The receptionists wear identification badges that read "Receptionist" and the security officers wear identification badges that read "Security." The receptionists do not receive any training with the security officers, except for one seminar on public relations given to all employees at the hospital.

Based on the record as a whole, we find the receptionists not to be guards, as the facts do not show that they perform guard duties at any of the five locations. The record shows that the receptionists' primary functions are merely to greet visitors, provide information and directions, and observe and report irregularities. Visitors often pass the receptionist's desk unobserved, and there is 24-hour guard service present. Thus, it appears that any guard-like duties that the receptionists perform are incidental to their basic receptionist functions. While it is true that monitoring a closed circuit television may in some circumstances be indicative of guard status, here the receptionists appear to use it as an additional way of viewing who enters the premises, particularly with respect to the Pepper Pavilion Connector where there are no sign-in logs or visitor passes and visitors enter and exit freely. Similarly, at the Diagnostic Service Building, visitors at times go directly to the elevator without stopping at the desk to sign the log. With respect to the security alarm system, it is

only partially installed, and there is 24-hour guard coverage of the premises.

The cases cited by the Regional Director in support of his finding that the hospital receptionists are guards are distinguishable. In *A. W. Schlesinger Geriatric Center*, 267 NLRB 1363 (1983), the two maintenance employees found to be guards were responsible for locking and unlocking doors and gates, standing by the doors to observe the shift change, monitoring packages, assuring the safety of employees, making hourly rounds, and checking lights in the parking lots and other areas. The maintenance employees had the authority to proceed on their own to ask that a disturbance cease or that an unauthorized person leave, although the maintenance employees were instructed to contact a supervisor or law enforcement authorities first. Here, by contrast, there are other security forces on the premises. The receptionists do not monitor packages, assure the safety of individuals, make rounds, or check lights in parking lots or other areas. Moreover, there is no evidence that the receptionists have the authority to take independent action in the event of a disturbance; instead, they contact the security forces on the premises.

Walterboro Mfg. Corp., 106 NLRB 1383 (1953); *Supreme Sugar Co.*, 258 NLRB 243 (1981); and *Louis Dreyfus Canada Ltd.*, 268 NLRB 1254 (1984), also cited by the Regional Director, are cases in which plant watchmen were found to be guards because they made rounds, generally during nonoperating hours, to prevent unauthorized entry and vandalism and to report infractions of company rules. Here, receptionists work during operating hours, do not make rounds, and do not necessarily prevent unauthorized persons from en-

tering the premises. Indeed, they are instructed not to leave their desks, and visitors often go directly to the elevators, sometimes unobserved, without stopping at the receptionists' desks.

We find this case to be similar to *Ford Motor Co.*, 116 NLRB 1995 (1956). There, the Board found a receptionist not to be a guard even though she did not permit unauthorized employees to pass through the lobby, immediately reported to her supervisor any violation of company security rules and regulations, checked in and issued passes to all vendors and visitors, and required clearance passes for all incoming and outgoing packages, and even though a plant guard performed the same duties on shifts when the receptionists were not present. Here, the receptionists do not control admission, do not inspect packages or other items carried in or out of the building, and have not been instructed to take any action when they see items carried out of the building. See *Guards Union Local 79 (ICI Americas)*, 297 NLRB 1021 (1990), in which the receptionist/switchboard operator was found not to be a guard.

For the reasons stated above, we find that the receptionists are not guards within Section 9(b)(3). Accordingly, we reverse the Regional Director's decision, reinstate the petition, and remand the case to the Regional Director for further appropriate action.

ORDER

It is ordered that the Regional Director's dismissal of the representation petition is reversed, the petition is reinstated, and the proceeding is remanded to the Regional Director for further appropriate action.